

**MEMO ENDORSED**



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September 12, 2023

**BY ECF**

Honorable Jessica G. L. Clarke  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Marcelino Castro v. Janet Smith and Octavian Duggins,  
16-CV-08147 (RA) (GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to the defense of the above-referenced matter. Defendants respectfully submit this letter requesting (1) that Your Honor extend the deadline for the parties to submit their pretrial filings from September 20, 2023 to September 22, 2023, with a similar extension from September 27, 2023 to September 29, 2023 for the parties to oppose and (2) to seek guidance from the Court regarding an unavoidable scheduling issue. Plaintiff's counsel, Ethan Amaker, Esq., consents to the extension request and is aware of the unavoidable scheduling issue.

As to the extension request, the parties are working together to create our Joint Pretrial Order<sup>1</sup>. Further, we have made arrangements to confer regarding *motions in limine* prior to their submission, pursuant to Your Honor's Individual Trial Rules and Practices. This *brief* extension allows the parties to fully engage in that process as well as provide and revise prospective drafts of our Joint Pretrial Order.

As to the unavoidable scheduling issue, as discussed with plaintiff's counsel earlier today, Officer Duggins has a necessary medical procedure scheduled for October 10, 2023 which can not be moved. Because of issues particular to this defendant, recovery time for this procedure is also uncertain. At a minimum, this defendant cannot be present on October 10-11, 2023. However, it is possible that his recovery will take longer. Defendants do not want to unnecessarily delay the trial, but defendants are concerned that Officer Duggins's recovery may interfere with

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<sup>1</sup> Plaintiff intends to provide his portion to defendants by Friday September 15, 2023. Thus, the parties would have one week to work together to finalize the Joint Pretrial Order before submission to Your Honor.

his ability to participate in the trial. Due to the sensitive nature of medical information, counsel is prepared to provide additional information *ex parte* in a manner directed by the Court as opposed to on the public docket. Defendants respectfully seek guidance from the Court regarding how to proceed regarding this issue.

Defendants thank Your Honor for your time and consideration herein.

Respectfully submitted,

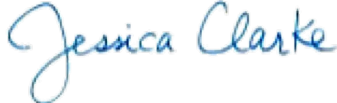
/s/ KellyAnne Holohan

KellyAnne Holohan  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

Cc: All counsel (via ECF)

Application GRANTED. Pretrial filings to be submitted by **September 22, 2023** and oppositions to be submitted by **September 29, 2023**. The parties are directed to meet and confer regarding their availability for trial the weeks of October 30, 2023 and November 13, 2023 and to inform the Court of their availability by **September 15, 2023**.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: September 13, 2023  
New York, New York